

Today Began Yesterday

A historical approach

**by
León
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Guerrero**

Why was martial law proclaimed in the Philippines on 21 September 1972?

Why did not the Filipinos take up arms and take to the hills when it was done?

After all, the Filipinos were not craven fools, more careful of their lives than of their liberties.

They had been trained in the American system of representative democracy for more than 40 years, to become the American "showcase of democracy" in Asia.

And, against heavy odds, they had fought a powerful and experienced occupation army for three years during the Japanese war.

When, in the performance of his diplomatic duties, the author of this work undertook to answer these questions, he was in two minds about his qualifications for the task, having been away from the Philippines as an Ambassador of the Republic for more than 20 years.

This presumably gave him a detached perspective; on the other hand, it made it impossible for him, he thought, to get the real feel of the situation, what things were really like back home, what the Filipinos were actually thinking and talking about, and if indeed they dared to do so.

He chose to interpret the present in the light of the past, and to take a historical approach to the proclamation of martial law in the Philippines, to find its roots in the Revolution against Spain, in the war against the United States, in the ensuing political struggle for independence, and in the "25 years of Watergate" that followed the establishment of the Third Republic.

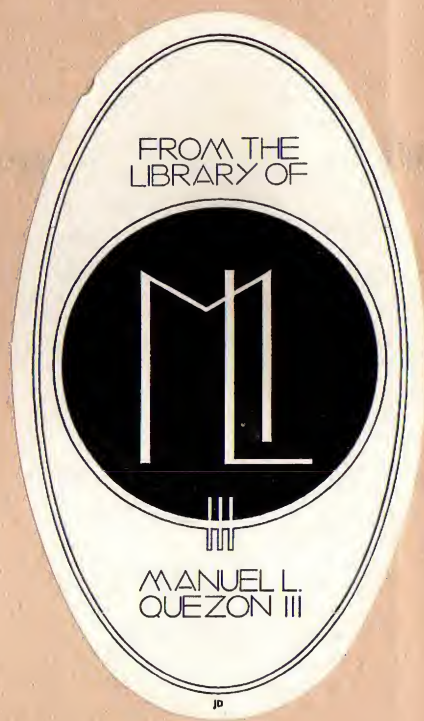
The conclusion he suggests to the unprejudiced is that the Filipinos, like every other people, have the government, not so much that they deserve, as that which they need and have the right to choose in keeping with their experiences and expectations.

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**A Historical Approach
to Martial Law
in the Philippines**

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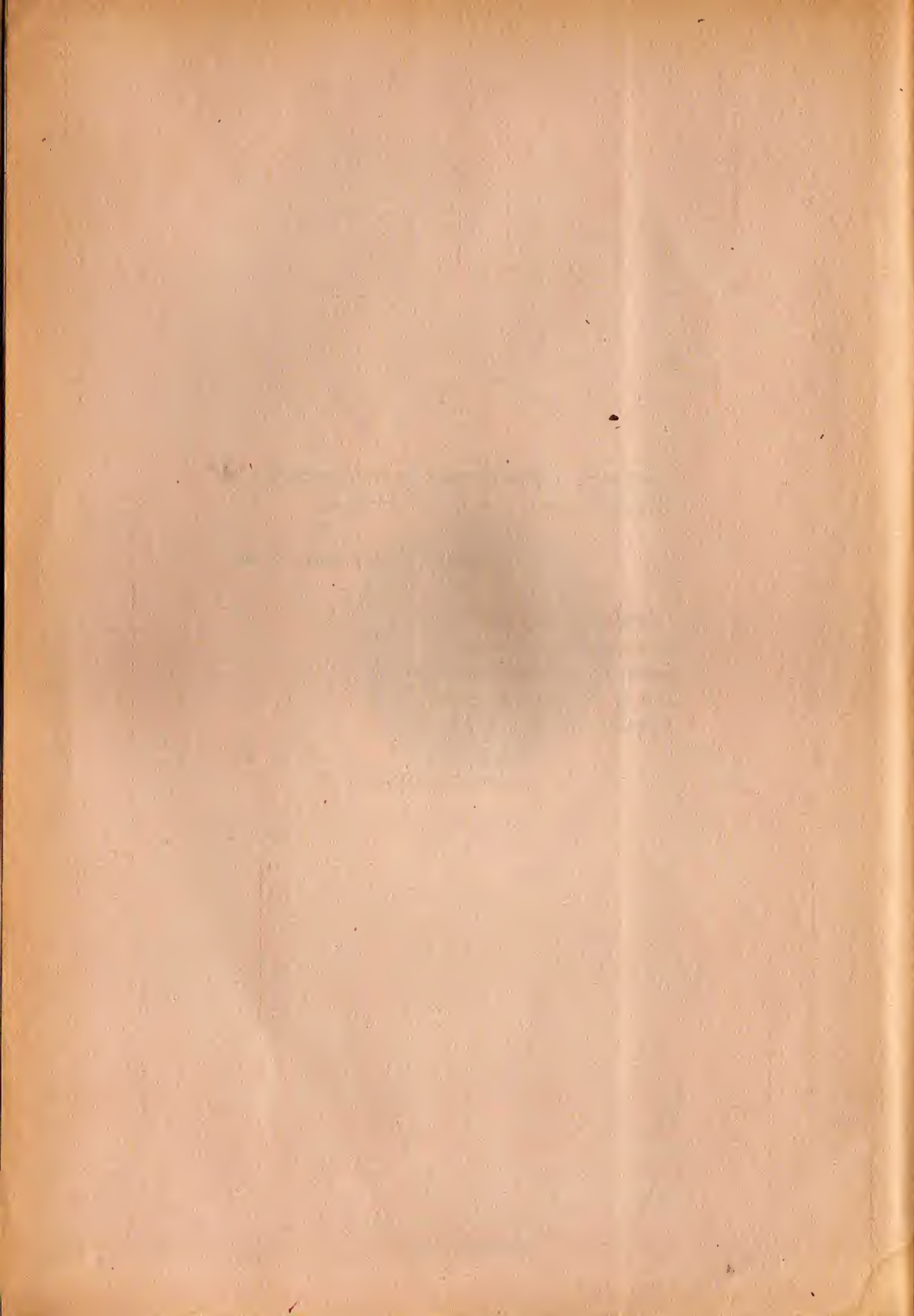
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*For forms of government let fools contest:
Whate'er is best administer'd is best.*

— ALEXANDER POPE, *Essay on Man*

*I would not give half a guinea
to live under one form of
government rather than another.
It is of no moment to the
happiness of an individual.*

— SAMUEL JOHNSON



What would the American people do if martial law were proclaimed in the United States?

Perhaps it would be easier for them to understand the situation in the Philippines if they were to realize that upon just such a proclamation⁽¹⁾ the Filipinos did nothing. They did not take up arms. Although there were no tanks in the streets, they did not rise or take to the hills.⁽²⁾

Indeed, an official report of the Secretary of the United States Senate,⁽³⁾ found that "(i)n outward appearance, the Philippine Republic has rarely been more serene . . . It is said that when martial law was decreed there was a near universal sigh of relief in the Philippines." Yet the Filipinos are not craven fools, more careful of their lives than of their liberties. Against heavy odds, they fought a powerful and experienced occupation army for three years during the Japanese war.

The difference in reaction — and one assumes there would be a difference — suggests a disparity in national experience that goes far to explain the general acceptance by the Filipinos of a suspension, albeit under color of constitutional authority, of the political processes normal in an American-style representative democracy such as they had known and

(1) On 21 September 1972 the President of the Philippines signed Proclamation No. 1081 placing the whole country under martial law.

(2) The Filipino Muslims fighting government forces in the Sulu archipelago and some parts of Mindanao island are engaged in a secessionist movement, while the Communist-led "New People's Army" operating in certain regions seeks to overthrow the constituted authorities. These activities antedated and indeed brought about the proclamation of martial law, and cannot reasonably be regarded as a protest against it.

(3) "Martial Law in the Philippines", Report of Frank Valeo, Secretary of the Senate, U.S. Congressional Record, 21 February 1973, pp. S3015-7.

practiced for three generations. It should also serve to remind Americans how unreasonable and unfair it would be for them to pass judgment on the basis of their own history and contemporary situation.

A more legitimate comparison could perhaps be made with the Philippines' neighbors in Southeast Asia, or indeed in the whole of the so-called Third World, where with a handful of exceptions the military has seized power in the past or continues to exercise it, avowedly in an effort to heal the plagues of endemic poverty, corruption, and economic stagnation and inequality. Yet even then the parallel would not be wholly valid for the Republic of the Philippines is not now under a military regime. The armed forces have not taken over the government or any of its branches, and remain fully under the control of their commander-in-chief, who, as the duly elected President, exercised the powers vested in him by the Constitution when he proclaimed martial law.⁽⁴⁾

The purposes underlying that proclamation, in the language of the official report to the United States Senate, "have to do with bringing about fundamental changes in Philippine society. Once declared, martial law not only brought out the military to maintain order, it also opened the way for the President to initiate by decree the social reforms which, for many years, have been widely recognized as essential to the survival of a free system in the Philippines."

One must seek in Philippine history the nature of these reforms, political as well as social, and the way to bring them about best suited to the traditions and character of the Filipinos.

(4) "The President shall be commander-in-chief of all armed forces of the Philippines, and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of *habeas corpus*, or place the Philippines or any part thereof under martial law." Art. VII, Sec. 11(2), 1935 Constitution. This provision is reproduced in Art. IX, Sec. 12, of the 1973 Constitution, with the powers vested in the Prime Minister. Under Art. XVII, Sec. 3 (1) the incumbent President "shall continue to exercise his powers and prerogatives under the 1935 Constitution and the powers vested in the President and the Prime Minister under this Constitution until he calls upon the *Interim* National Assembly to elect the *interim* President and the *interim* Prime Minister, who shall then exercise their respective powers vested by this Constitution."

*Let constitutions founder,
and principles be saved!*

— AP. MABINI

One need not go as far back as the early Malay settlements before the Spanish conquest, patriarchal and consensual in their organization, or the priestly autocracies in the isolated towns which maintained the Spanish colonial regime for 333 years with only a handful of peninsular soldiers. It should suffice to compare the Philippine and American Revolutions.

The American War of Independence 200 years ago was really a British family quarrel about social institutions which both sides shared, as they all shared blood, beliefs and memories. Despite the egalitarian sonorities of Jefferson's Declaration, the American Revolution was made by and for slave-owning landlords, together with merchants, lawyers and divines, defending what they conceived to be their inborn rights and privileges as Englishmen against the encroachments of the Crown. No black slaves sat in the Continental Congress; and the Indians who hurled the casks overboard at the Boston Tea Party were only Yankees in disguise. The Founding Fathers were concerned with "taxation without representation" but by and large the Philippine Revolution of 1896 against Spanish rule was not at all about the workings of government as such.

True, José Rizal and other members of the educated elite,⁽⁵⁾ in what is now known as the Propaganda Movement, precursors and unwitting begetters of the Revolution, agitated for political reforms that would give them the rights granted in the various liberal Spanish Constitutions of the time, but they would have been well content with the status, as it might be

(5) José Rizal (1861-1896), the national hero of the Philippines, Marcelo H. del Pilar, Mariano Ponce, the Luna brothers, Juan and Antonio, Graciano López Jaena, José Ma. Panganiban, Edilberto Evangelista, et al.

of Filipino "Spaniards", and indeed they condemned the uprising when it broke out.⁽⁶⁾

The Philippine Revolution was in fact made and fought by peasants and workers recruited by a talented organizer, Andrés Bonifacio, a street peddler turned warehouseman, and later led into battle by Emilio Aguinaldo, a born soldier, a petty trader ironically enough turned village mayor to escape conscription.⁽⁷⁾ It was anti-clerical in inspiration and racially nostalgic, even xenophobic, as the rites of its secret society reveal; it was about independence from the rule of white men, and it was also about land and the structure of society.

What is likewise still relevant is that the "Association of the Sons of the People" (known to history as the *Katipunan*)⁽⁸⁾ was indisputably

(6) Having been wrongfully exiled to Dapitan, Rizal offered to serve in the Spanish armies in Cuba as a physician. He was actually on his way there when he was implicated in the Revolution and brought back to Manila to stand trial. In these circumstances he drafted a manifesto to the Filipinos, suppressed for their own reasons by the colonial authorities, which read in part: "Countrymen, I have given proofs, as much as anyone else, of desiring liberties for our country, and I still desire them. But I made them conditional on the education of the people so that by means of learning and work they would have their own personality and make themselves worthy of (*such liberties*). In my writings I have recommended study and (*the development of*) civic virtues, without which there can be no redemption. I have also written . . . that reforms, to be fruitful, must come from *above*, for those that come from *below* are irregular and insecure changes. Holding these ideals, I cannot do less than to condemn, and I do condemn, this absurd and savage rebellion . . ." (Italics between brackets, supplied). It is only fair to note that one can quote from Rizal's works to almost any purpose, but these sentiments were not expressed by a fictional character in his novels, but by himself in the culminating moments of his own life.

(7) Andrés Bonifacio (1863-1897), founder of the *Katipunan*, and Emilio Aguinaldo (1869-1964), President of the first Philippine Republic and commanding general of its armies.

(8) To give it its full name, the *Kataastaasan at Kagalanggalang Katipunan ng mga Anak ng Bayan*, Tagalog for the Most High and Honorable Association of the Sons of the People.

authoritarian, a characteristic essential to a revolutionary conspiracy but also perhaps suggestive of a racial trait, and demanded absolute and unquestioning obedience. When the Katipunan became a victim of its own success, it was replaced by a series of rudimentary governments, the last of which, upon the outbreak of war between the United States and Spain and the resumption of the Revolution, proclaimed national independence in 1898. The first Philippine Republic was what would now be termed a provisional revolutionary government, headed by a dictator, Aguinaldo, the commander-in-chief of a people's army, manned and officered for the most part by unlettered peasants.

Partly because they shared the nationalism and the desire for fundamental human rights and privileges bespoken by Rizal and the intellectuals, and partly in precautionary defense of their interests, which the expiring Spanish colonial regime was now plainly incapable of securing, the land-owners and other men of property now edged their way into the revolutionary camp. The military dictator, for his part, was not adverse to attracting their financial support and unifying the country, and drew them into a national Assembly which was originally intended to be only an advisory council of notables.

Indeed, its members were, for the greater part, not elected by the constituencies they were supposed to represent.⁽⁹⁾ The civil disorder caused by the insurrection and the subsequent war with the United States made normal elections impractical, and in any case the suffrage was restricted to

(9) At the start, only about 13 members were elected, and about 35 appointed by Aguinaldo. By the time the Constitution was being drafted, 35 had been elected out of a total of about 94 — the figures vary and are as uncertain as the times — among whom were 43 lawyers, 23 physicians and pharmacists, seven businessmen, four agriculturists, three educators, three military officers, two engineers, two painters and one priest.

those inhabitants of the towns and their outlying *barrios*, of at least 20 years of age, who were "most distinguished by their education, social position and honorable conduct", and who were furthermore committed to the cause of national independence. These local assemblies, whose composition was more often than not dictated by the local military commissioners, elected neighborhood leaders, presumably by acclamation or by a show of hands since no provision seems to have been made for a secret ballot; the leaders in turn elected a town mayor; and the town mayors, a provincial governor and, subject to confirmation by the President, a representative or representatives in the national Assembly, which would hopefully, upon the advent of peace and the international recognition of the Republic, elect the constitutional President — all a remarkable anticipation of the system of indirect elections that was to be in later times the framework of the "guided democracies" of much of Asia, but conspicuously different from the American form of government.

The architect of this structure, which by the force of events was to remain in effect until the fall of the Republic, was Apolinario Mabini,⁽¹⁰⁾ a paralytic lawyer of genius, who had become Aguinaldo's most trusted adviser and later the first Prime Minister of the Republic. As such he was in almost constant conflict with the Assembly. He objected to the Assembly's assumption of powers to draft a Constitution, and opposed even more strenuously the draft Constitution itself, which sought to impose the Assembly's supremacy over the President and the judiciary. In this he perceived an attempt by the men of property, "education" and "social position" to safeguard their interests against any egalitarian invasions or confiscations by the President at the head of a revolutionary people's army.

(10) Apolinario Mabini (1864-1903), author of "*Programa Constitucional de la República Filipina*" (Constitutional Program of the Philippine Republic) and other seminal documents of the revolutionary regime. Like Rizal, he placed great emphasis on the education of the people in the civic virtues and their social regeneration. In a manifesto to the Filipinos at the start of his public career he said in part: "(I)f instead of using our freedom, you should abuse it, not only would we not achieve our betterment but we should be worse off than we were before. Not only that, in order truly to shape our social regeneration we must radically change not only our institutions but also our way of behaving and thinking. An internal as well as an external revolution is necessary. . . ."

And indeed a dual system of government had developed with the authority given to the provincial commanders to intervene and take over the local governments whenever the danger arose of attack by the enemy — Spanish or later American. "*Húndanse las constituciones, y sálvense los principios!*" was the solution Mabini suggested to the political crisis when he had fallen from power. "Might not a situation arise when the salvation of our ideals would depend on (the proclamation of) a dictatorial government? And if this should happen due to contingencies of the conflict, would it be reasonable not to adopt that form (of government) because it would be unconstitutional? In such a case we could and should declare, let constitutions founder and let principles be saved!"⁽¹¹⁾

No revolutionary people, he went on to say, should attempt to draft a theoretically perfect constitution, but should instead limit itself to "a declaration of principles in whose light it proposes to achieve its objective the forms or ways to do so being "flexible so that they might be adjusted to the time, the place, and the circumstances. A revolution does not build, but prepares; it makes the people fit for a more perfect constitution upon the advent of peace, and it is important to keep this in mind because the best system applied at the wrong time gives very bad results. The science of government does not consist in knowing how to choose its best and most perfect form, but what is more useful and timely . . . To know how to govern in a revolution it is necessary to know how to find the easiest and most practicable way to do so at any given moment of time."

Alas, neither constitutions nor principles, neither doctrinal nor pragmatic forms of government survived. The blame was laid on Mabini when Aguinaldo imposed amendments to the Malolos Constitution which maintained executive supremacy, postponed its promulgation, delayed the

(11) It should be noted that the principles he considered should be saved were national independence, the republican form of government and individual rights (*derechos individuales*). It would appear that in his view a dictatorship was not necessarily incompatible with a republican form of government, any more than a restriction of freedom of speech, press and assembly. In point of fact, Mabini's views, contained in the article "*Algo para el Congreso*", earned the newspaper where it was published an official warning by the Government.

convocation of the Assembly as a parliament, and packed it with his appointees. When it finally met, Mabini, the "absolutist" as opposed to the "constitutionalists," the "intransigent" as opposed to the "pacifists", quickly lost the confidence of the Assembly.

Who can tell now what form of political system the Filipinos might have worked out by and for themselves if the First Republic had not been betrayed — as the Filipinos saw it — and destroyed by its ally against Spain, the United States? And what social structure? Seventy-five years later, after much waste of spirit and substance, the 1971 Constitutional Convention was to reach back to the parliamentary system of that Republic, which, for all its congenital weaknesses, had worked well enough in the middle of a losing war, and in fact under martial law, to enable an orderly and logical transfer of formal responsibility from a Prime Minister pledged to uncompromising resistance to one committed to seek "peace with honor".

If the United States had not intervened, would the peasants in arms have imposed a redistribution of land? Would Aguinaldo have eventually implemented the Malolos Constitution and submitted the Presidency and the Army to the paramountcy of a Congress of landlords, lawyers and intellectuals? Would the commander-in-chief have been overthrown by a rival general, beginning a succession of meaningless military dictatorships? Surely the least likely of the possibilities is that the Filipinos would have chosen the political system of the United States as the one best suited to serve the ends of their Revolution.

The forms of democracy are infinite, depending upon the genius of the people who adopt it. And the best form of democracy is that which can best promote and insure the liberty, well-being and happiness of all the people.

— MANUEL L. QUEZON

Be that as it may, it would be insensitive not to realize that the Americans who know or care should somehow feel betrayed by the proclamation of martial law in the Philippines, their "showcase of democracy" in Asia, and should look on it almost as disloyalty and ingratitude. So also it would be churlish to question the motives of their predecessors when, having crushed the first republic in Asia, they sought to salve their consciences by making good Americans of their "little brown brothers".

English was the language of democracy, and the Filipinos would have learned it, like it or not. The American Constitution was the perfect formulation of democracy, and the Filipinos would have the benefit of its institutions, like it or not. Little matter that the unlettered serfs of the great estates were no Jacksonian frontiersmen; they would cast a free and secret vote. Little matter that the greedy and despotic landlords were no Jeffersonian squires; they would respect a Bill of Rights.

So it was that American-style representative democracy came to the Philippines. Not, of course, all at once. The commanding-general gave way to a civil governor, but the executive power was retained in American hands until the establishment of the autonomous Commonwealth in 1935.⁽¹²⁾ T

(12) The executive power was exercised by the American Governor-General. Upon the establishment of the Commonwealth it was vested in an elected Filipino President. American High Commissioner retained authority to intervene in financial affairs. Foreign relations, of course, were conducted by the U.S. Government.

Filipinos were allowed to elect an Assembly in 1907, but they were not given full control of the legislative power until 1916.⁽¹³⁾ The decisions of the judiciary were to remain subject to review by the Supreme Court of the United States until independence in 1946.

Furthermore, the franchise was hedged by stringent property and literacy (which in the circumstances was a form of property) qualifications, so that the first Assembly elections outside of Manila were apt to be cozy and decorous affairs of the elite. But as the suffrage was gradually extended, the Filipino politicians proved to be alert and increasingly proficient students of the American system, sharpening their skills in patronage and demagoguery.

They found the Americans good teachers and splendid models. In its beginnings the colonial regime had sought to promote the fortunes of the Federalist Party — which, advocating admission to the American Union as a state, was in fact the only one allowed to operate legally — by restricting appointments to the various civil posts of honor and profit to members of that party, or requiring the beneficiaries to join it. Withal the Federalists found no popular support outside an extremely limited electorate of local notables, but the lesson in patronage was well learned with deplorable and indeed disastrous consequences reaching to the present day.

The American effort did provide burgeoning Philippine politics with a credible and valid choice of political alternatives. But the Federalists and their platform of annexation were so universally abhorred that, even reorganizing as the Progressive Party which postulated eventual independence after a suitable period of preparation for self-government, they were thoroughly defeated and repudiated in the first Assembly elections by the new *Nacionalista* Party which brought together all the factions

(13) The legislative power was originally exercised by the Philippine Commission dominated by appointed Americans, and later shared with the Assembly composed of elected Filipinos. Upon the election of a Democratic president in the United States, the Filipinos were given a majority in the Commission, which was thereafter replaced by an elected Senate under the Jones Act.

demanding "absolute, complete and immediate independence" from the United States.

From a patriotic viewpoint the overwhelming popular verdict was a triumph; for the prospects of an American-style representative democracy, was a catastrophe. Only twice again in the next 65 years would the Filipino briefly have a choice between competing principles and policies. Everyone, was seen and understood, was for independence.

For all the long years after, through the two struggles for personal leadership and all the combinations and permutations of faction, the *Nacionalista* Party, the independence party, would almost completely dominate the polls.⁽¹⁴⁾ Furthermore, although the executive power was in the hands of an appointed American Governor-General, the Filipino leadership contrived, while there was a Democratic administration in Washington, to operate within what was in effect a parliamentary system. A Council of State, composed of the Governor-General, the President of the Senate, the Speaker of the House, and the members of the cabinet, controlled appropriations, appointments, and legislation, with the secretaries responsible to the Legislature and exercising "direct control" over their departments under the "general" supervision of the Executive. Later a Board of Control composed of a complaisant Governor-General and the two heads of the Legislature exercised authority over the national bank, the railroads and other state economic agencies. In a famous letter to justify his revolt against the Speaker as leader of the party, the Senate President wrote that this system "put the executive and legislative powers of the government of the Philippines in the hands of two men," the Speaker and himself. One of

(14) Thus, in 1912, the Nacionalistas held 62 out of 81 seats in the Assembly; in 1916, they held 75 out of 90 seats in the House of Representatives, 21 out of 22 elective seats in the newly created Senate, and 22 out of 32 governorships; and in 1938, all 98 seats in the unicameral National Assembly, and all the governorships except for one independent.

these two leaders, Sergio Osmeña and Manuel L. Quezon,⁽¹⁵⁾ would rule the country in effect for 39 years, in fact from the first popular elections until independence, rising to power or falling from it on the basis of "votes of confidence" in the party caucus, rather than American-style direct national elections. Moreover, their rivalry was mainly personal, thinly disguised as it might be by specious appeals to principle. That this was so can be gauged by the fact that while Quezon, in his bid for leadership, accused Osmeña of "unipersonalism" and called for a "collective leadership", and while some years later they were to fight a national election on the merits and demerits of two practically identical U.S. Congress measures on independence, they would quickly and blandly arrive at an accommodation within a re-united *Nacionalista* Party once the votes were counted. Thus, after the 1922 elections, Manila wits commented that the only difference between the old regime and the new was that, before, the bosses had been Osmeña and Quezon, and afterward, Quezon and Osmeña.

The only important challenge to this one-party, one-leader dominance was mounted by the *Democrata* Party, a combination of disillusioned *Progresistas* and discontented *Nacionalistas* formed in 1917. Their first and last chance came when Quezon split the *Nacionalista* Party in 1921, and the elections returned a House of Representatives divided into three almost equal parts.⁽¹⁶⁾ But the *Nacionalistas* were not slow to recognize the danger, and combined to elect Manuel Roxas⁽¹⁷⁾ as Speaker. A year later, shortly

(15) Sergio Osmeña (1878-1961) was Speaker of the Philippine Assembly throughout its existence, from 1907 to its replacement by the House of Representatives, later Senator, Vice President of the Commonwealth, and President Manuel L. Quezon (1878-1944) was President of the Senate from its creation in 1916 until he was elected President of the Commonwealth in 1935, holding that office until his death.

(16) Quezon's *Colectivistas* won 32 seats; the *Democratas*, 26; and Osmeña's *Nacionalistas*, 21, in the lower house. Quezon retained control of the Senate.

(17) Manuel A. Roxas (1892-1948), Speaker of the House from 1922 to 1933, later President of the Senate, 1945-1946, elected over Osmeña last President of the Commonwealth and first President of the Third Republic. He transformed Filipino leadership into a triumvirate.

before coalescing into the *Nacionalista Consolidado* Party, they engineered an artificial "cabinet crisis" and crushed the *Democrata* Party's Juan Sumulong in a crucial senatorial by-election on charges of pro-Americanism. The *Democratas* never recovered from the defeat. Three years later they joined the National Supreme Council to form a united front for independence; after four more years they proposed the immediate dissolution of all political parties and a national union in *Ang Bagong Katipunan*,⁽¹⁸⁾ an allegedly non-partisan patriotic movement organized by Roxas; and in 1933, after having split, like the *Nacionalistas*, into factions *Pro* and *Anti* the Hare-Hawes-Cutting independence act, joining as best they might the Quezon and Osmeña blocs, and witnessing the inevitable reunion of a resurgent *Nacionalista* Party, they formally voted their own party's dissolution.

Anglo-American representative democracy, whose essence is the peaceful alternation in power of parties with competing principles and programs of government, was practically dead in the Philippines, so much that Quezon, now President of the Commonwealth, conscious of the fact that his party held all the seats in Congress, could call for a "partyless democracy".⁽¹⁹⁾

"The first fetish that we must discard," he declared, "is the discredited theory that democracy cannot exist without political parties." Political parties were "not essential to, but on the contrary (were) evils in, a democracy."

"The second slogan that must be thrown overboard," he went on to say, "is the theory that in a democracy individual liberty must not be restricted The exercise of liberty is good for the people only when it is accompanied by self-restraint. It is the abuse of liberty which is today causing the disappearance of liberty in many parts of the world."

(18) Tagalog for The New Katipunan.

(19) Quezon expounded his thesis in three speeches delivered in 1940 at the state university (University of the Philippines), before the U.P. Alumni Association, and at the inauguration of the privately owned Far Eastern University.

The Filipinos faced the "tremendous task" of "devising our own democratic institutions and government . . . (T)he forms of democracy are infinite, depending upon the genius of the particular people who adopt it. And the best form of government, let it be remembered always, is that which can best promote and insure the liberty, well being and happiness of all the people. Since we cannot for the present," he urged, conscious no doubt of the continuing tutelage of the American colonial regime, "have a partyless government, let us at least try to minimize the baneful effects of partisan strife. Let us condemn systematic opposition and falsehood in the discussion of public issues."

His judgment, drawn from long, intimate and practical experience with the workings of the American form of democratic government in the Philippines, must surely command the respect and acceptance of a later generation, particularly when coupled with the considered opinion of an experienced and not uncritical American colonial administrator and professor of political science.⁽²⁰⁾

"They (Quezon and Osmeña) are applying the basic principles of a political system that for 30 years was beaten out on the anvil of Philippine experience. It is quite true that this system concentrates enormous powers in the handful of men who direct its operation. But he is blind to the facts of Philippine history who does not realize that this concentration of power was deliberately and skillfully provided for both in the Philippine Constitution and in the long-established extra-legal political instrumentalities through which that constitution is being translated into actual government; and that the system as a whole has been sanctioned by an overwhelming majority of the Filipino people acting through the forms of self-government provided by law and established custom. The system may or may not be 'democratic' from the standpoint of other peoples. But it is a Filipino system, and he is rash indeed who asserts that thus far both the system and the men who are applying it in the Government of the Commonwealth have not received the steady support of a large majority of the Filipino people."

(20) Joseph Ralston Hayden, "The Philippines: A Study in National Development", Macmillan, N.Y., 1950, pp. 374-5.

IV

The majority and minority parties represent almost exclusively the intelligentsia and what we would call the Philippine plutocracy, and the needy classes have no representation in these parties.

— JUAN SUMULONG

The ideal of national independence, which the *Nacionalistas* and their leaders were using so successfully to wrest and wheedle governmental power from the colonial executive, and to maintain and stretch it until its seizure, meant a different thing to the peasants who had not forgotten that they had fought the Revolution for land and freedom from *cacique*, usurer and tax-collector. Their vision of a free and just society may have been naive, but it was, for all that, not the less magnetic and irrepressible. Their estimate of their own strength and of the forces arrayed against them may have been sanguine, but after all they had won the Revolution with their farm-knives.

They were inspired by myths and a fanatical belief in the magical powers of their leaders, who claimed to have talked with the spirit of Rizal or who invoked the even higher authority of the Sacred Heart of Jesus and the Immaculate Heart of Mary. Thus, as far back or as early as 1923, the so-called *Colorums*⁽²¹⁾ took up arms in Surigao and other areas of northeastern Mindanao, and were not subdued for nearly a year. In 1931 another secret society of discontented peasants in Central Luzon, the *Tanggulan*,⁽²²⁾ which the Constabulary claimed to number 40,000, seized

(21) A distortion of the Roman Catholic ritual phrase, "*In saecula saeculorum*" usually translated as "World without end".

(22) From the Tagalog, *tanggol*, meaning to defend or protect, and thus the Defenders or Protectors of the Sons of the People, a later version of the old Katipunan.

town of Tayug, disarmed the large Constabulary garrison, hacking the officers to pieces, burned the barracks and the post office, looted the city hall, and destroyed the land records. A more openly political peasant organization, the *Sakdal*⁽²³⁾ Party, claimed more than 68,000 members in the Tagalog provinces, according to the Constabulary, and, accusing the *Nacionalista* leaders of betraying the cause of independence by accepting the Commonwealth which would delay it for 10 more years, returned to office three members of the House of Representatives, one provincial governor and numerous local officials.

They would go farther. On the night of 2 May 1934, in a quixotic bid to stop or disrupt the coming plebiscite on the "fake" Commonwealth Constitution, the *Sakdal* peasants rose in a wide arc of 14 towns from Gapan in Nueva Ecija in the north down to Kabite in the south, briefly holding Kabuyaw and Santa Rosa in La Laguna. By itself the uprising had perhaps scant military significance: a handful of peasants, men and women, armed only with farm-knives, efficiently slaughtered in a churchyard by the Constabulary. But the ancient cry for land and freedom, and the bloody repudiation of the orthodox political parties and the national leaders who were accused of betraying the Revolution, showed its ideals had not been forgotten.

Indeed, facing the first Commonwealth presidential elections, Quezon and Osmeña feared that the venerable Aguinaldo, emerging from history to oppose their candidacies, would place himself, as of old, at the head of the distressed and dispossessed.⁽²⁴⁾ This anachronistic but potentially formidable alliance was frustrated, but the fact that the opposition

(23) From the Tagalog word for, among other things, defender or accuser, and thus, defender of the poor, or accuser of their oppressors. The *Sakdal* Party changed its name during the Japanese occupation, with which it collaborated, to the *Ganap* Party, from the Tagalog word for complete, indicating perhaps that its work had been completed or its ideals attained and realized with the expulsion of the Americans.

(24) Aguinaldo was supported by an *ad hoc* political party, the *Nacional Socialista*. Another revolutionary figure, Gregorio Aglipay, founder and supreme bishop of the Independent Philippine Church, was backed by the Republican Party.

candidates, with only rudimentary organizations and pathetic political presences, with no patronage, scant funds, and a handful of local candidates in support, received one out of three votes, was a stark and disturbing revelation of disenchantment with the *Nacionalistas* and the uses to which their monopoly of political power had, or had not, been put.

Nonetheless, the call for national unity for the attainment of independence had once again prevailed, and what the *Democrata* leader, Juan Sumulong, had warned against in a pre-electoral article, "After the Coalition, the Deluge", had come to pass: the continuation of the "farical representative government of the past" under a "feared and detested oligarchy". Foreseeing the growth of a revolutionary opposition, he explained: "I am of the belief that the majority and minority parties (the *Pro* and *Anti* factions before their coalition in the revived *Nacionalista* Party represent almost exclusively the intelligentsia and what we would call the Philippine plutocracy, and that the needy classes have no representation in these parties, and for this reason they have neither voice nor vote, even only as minorities, in the formulation of governmental policies."

Little wonder, then, that for all of Quezon's new found devotion to a program of "social justice" and the promulgation of a minimum wage and a eight-hour working day, the Commonwealth's National Assembly did no more than the old Philippine Legislature to alleviate the immemorial plight of share-croppers.

The system of land tenure in the Philippines is a child of its history. Before the Spanish conquest the Malay settlements, the *barangay*, composed of families and their clients, held their waterside clearings more or less in common. The colonizers destroyed this primitive arrangement. As in his American realms, the monarch in Madrid rewarded his captains with the royal grant of *encomiendas*, vast tracts of land including their indigenous inhabitants whom, in exchange, the new lords were to convert to the true faith and protect against their enemies.

True, the Spaniards were only a handful, and in any case until the independence of Mexico they preferred to live in Manila and gamble on the galleon trade with China. In fact the only agricultural enterprise was shown

by the Spanish religious orders who developed large plantations cultivated by native lease-holders. Significantly enough, it was the latter and their share-croppers in the eight provinces around Manila who led and fought the Revolution. They made their point, at least initially, when the new American regime sought to assuage their grievances by purchasing the "friar lands", as they came to be known, for re-distribution.

As it turned out, however, the estates ended up in the hands of those who could pay their price. Although, unlike in Spanish America, there was no color line between landlords and share-croppers, the wealthy and influential Filipinos were not above exploiting their kith and kin. At the very beginning of the Spanish regime, the native chiefs had been charged with the duty of collecting tribute, and, abusing their new positions, had converted the village commons into their private properties; later, their successors in interest had taken advantage of a foreign system of land titling beyond the comprehension of the unlettered tillers of the soil.

There was, of course, an abundance of land in the huge archipelago for the adventurous and the discontented. But living from hand to mouth, at the mercy of typhoons, droughts and rinderpest, burdened with children whose birth and weddings demanded ruinous festivities, the improvident homesteaders, more often than not, lost to usurers, lawyers and old and new landlords the lands they had cleared with their blood, sweat and tears, so much so that laws were passed — and evaded — to restrict their right to alienate their pitiful holdings.

Moreover, the classic mercantilist system, which had provided the incentive for the American adventure in Asian colonialism, encouraged the concentration of the richest lands in the hands of the few by the creation of a huge and profitable metropolitan market for such commodities as sugar, tobacco, hemp and copra, which could be efficiently produced only in large plantations manned by farm-workers and seasonal harvesters paid whatever wages might keep them and their families from starving to death.

The American colonial regime does not appear to have been overly troubled by this built-in barrier to a truly effective democracy and just society. In its beginnings it was so suspicious of the violent, xenophobic

egalitarianism of the *Katipunan* that it even outlawed trade-unions. It chose to rely rather on the propertied as the stable, trustworthy element of the native population, bound by class instinct and interest to be conservative, conformist and compliant. Nor, it is only fair to add, did the Filipino politicians, for all their lip-service to the welfare of the people, ever seriously question the justice of the established social and economic system. The workers and the peasants had no authentic voice in the Philippine Legislature before the Japanese war except for three *Sakdals* under indictment. They had no party.

No party, that is, except the Communist Party. The *Colorums* and *Tan* may have been visionaries and fanatics with only an embryonic concept of freedom and justice; the *Sakdal*, later the *Ganap*, were to be duped into betraying independence to the Japanese; the Socialists and Communists offered a scientific interpretation of history and a sophisticated system of social organization that was not beyond the grasp of an intelligent peasant.

In the last local elections before the war the Socialist candidate for governor of the key province of Pampanga, the granary in Central Luzon, was only narrowly defeated, and the party elected eight out of 21 mayors, including that of the provincial capital, on a platform that called in part for the conversion of the great estates into collective farms. Upon the Japanese invasion and occupation, the peasants of Central Luzon, under the direction of the Communist Party with which the Socialist Party had been merged, implemented their pre-war plans for a guerilla force that quickly established a legitimate claim to being the most disciplined, effective, far-sighted and independent in the national resistance movement. The *Huks*,⁽²⁵⁾ as they came to be known, were not emotionally, politically, or even militarily dependent on the return of the American sovereign and the re-establishment of the *status quo ante*; quite the contrary. Having driven the landlords to the sanctuary of Manila, they had established their own "shadow" local

(25) *Hukbalahap* or *Huks* were the popular abbreviations for *Hukbo ng Bayan laban sa Hapon*, Tagalog for People's Army against the Japanese. It was to change its name at the war and independence to *Hukbong Magpapalaya ng Bayan*, Tagalog for People's Liberation Army, or HMB for short.

governments and were dedicated to building a new society. But when the Americans did come back, the *Huk* guerillas were denied recognition and reward, and instead disarmed; their commanders, arrested; and their elected representatives, unseated on charges of terrorism at the polls. The American and Philippine military police and, much more deadly and ruthless, the "civilian guards" of the returning landlords were unleashed against them, perpetrating such memorable massacres as those of Maliwalu and Masico.

The peasants of Pampanga — and perhaps throughout the country — read the message. The American form of democracy, at least as it was practiced in the Philippines by the traditional political parties under Sumulong's "feared and detested oligarchy", did not offer them any real hope for the redress of their grievances and for their emergence into a more just and fulfilling society. Until a credible alternative was offered, they would be committed to the Communist revolution.

V

*A good and efficient government,
a benevolent government, may
exist and continue indefinitely
to function with admirable harmony
when men of superior moral and
intellectual endowments are in
control of the state.*

-- JOSE P. LAUREL

One is not inclined to linger over the Second (Occupation) Republic⁽²⁶⁾ yet, even under the paramount military power of Imperial Japan and even allowing for the irresistible compulsion to remove completely "the American influence which has thoroughly saturated the entire Philippines" so that the Filipinos might "freely return to the natural life of an Oriental people," its policies did suggest, as far as they went in those critical times, what form of government the national leaders believed might be temporarily viable and acceptable to a cowed and helpless people.

The political parties dissolved themselves without any great outcry, and a new non-partisan national organization, the KALIBAPI,⁽²⁷⁾ took their place; its local assemblies chose 54 delegates to the National Assembly who joined 46 holdover or appointed provincial governors and eight mayors of chartered cities; and in a nostalgic recall of the Malolos Congress they approved a new Constitution and elected the President. The Constitution, while largely patterned after the U.S.-approved 1935 charter, reversed the Malolos pattern and established the supremacy of the Executive, while substituting the Bill of Rights with a declaration of the Duties and Rights of the Citizen.

(26) Proclaimed on 14 October 1943.

(27) Acronym for *Kapisanan sa Paglilingkod sa Bagong Pilipinas*, Tagalog for Association for Service to the New Philippines, patterned after Japan's Imperial Rule Assistance Association, which likewise followed the dissolution of the traditional Japanese political parties.

The philosophy of government of the Second Republic was defined in somewhat Platonic terms by its President, José P. Laurel.⁽²⁸⁾ "The whole history of government shows that public affairs would be better administered and the welfare of the people better subserved in the hands of a moral and intellectual aristocracy. The people cannot be both governors and governed at the same time; a statement affirming the contrary would be a contradiction in terms. On the other hand, a good and efficient government, a benevolent government, may exist and continue indefinitely to function with admirable harmony, when men of superior moral and intellectual endowments are in control of the state. And this benevolent government is the result not of a given form or system of political organization, such as are defined and classified in school textbooks, but rather of a traditional practice of allowing the best-endowed men in the service of the state ample scope and latitude in the exercise of governmental powers."

Brief, unhappy and impotent as was the Second Republic, with all human rights and civil liberties sternly denied under the Japanese military rule, its revival of the First Republic's system of indirect elections by a carefully winnowed constituency, was perhaps more than an exercise in nostalgia. Contrived to meet the people's lingering, deeply rooted attachment to representative government and give them the illusion of participation, and at the same time to pander to the enemy occupant's abhorrence of western institutions, the 1943 Constitution also sought to preserve the national consensus in a situation where irreconcilable divisions were inevitable, while its emphasis on the duties as well as the rights of citizens reflected the continuing search for social regeneration which Rizal and Mabini had posited as the essential condition for freedom.

(28) José P. Laurel (1891-1959), sometime Secretary of the Interior, Senator, Justice of the Supreme Court, and Nacionalista candidate (1949) for the presidency of the Third Republic. The quotation is from Laurel: "Forces That Make A Nation Great", Bureau of Information and Public Security, Manila, 1943.

VI

We are not angels.

What are we in power for? (1)

Whoever seeks to destroy me, (2)

I shall destroy him first.

What is wrong with a man (3)

providing for his future?

The recovery of independence and the proclamation of the Third Republic⁽²⁹⁾ profoundly altered the nature of government and politics the Philippines. The withdrawal of American sovereignty, at least formal and outwardly, removed the keystone of the national consensus which had enabled the *Nacionalista* Party to remain in power, well nigh unchallenged under the colonial regime. The attainment of independence deprived it of its only issue. No longer would it be possible to blame the foreign sovereign for all the ills of the country. Nor would it ever again be possible to arrive at comradely reconciliations and convenient accommodations after the periodic contests for leadership.

The old guides were gone or going. Quezon had died in exile, clutching to the very end the reins of power,⁽³⁰⁾ and his inevitable successor, Osmeña, was immensely weary of the burden he had carried for almost four decades. The *Nacionalista* Party was split irrevocably, seemingly on the issues of collaboration with the Japanese and of efficient government, but in reality by the personal ambition of Roxas, who, forging a bizarre coalition of

(29) Formalized by the Proclamation of Harry S. Truman, President of the U.S. 4 July 1946.

(30) Quezon had procured the amendment of the Constitution to permit his re-election after his original six-year term. He was returned to power for an additional two years which would have expired on 15 November 1943 (the amended Constitution placed a limit of eight consecutive years in the presidency). To allow him to continue as the head of the Commonwealth government-in-exile, the U.S. Congress, at his request and with the acquiescence of Vice President Osmeña, approved a resolution on 9-10 November 1943 extending his term of office.

(1) Jose Avelino

(2) QUIRINO

(3) GARCIA

politicians devoted to American interests and others facing charges of treason for holding office under the Japanese, launched a remorseless drive for power which was destined to fix the character of Philippine politics thereafter.

What was worse, the Japanese occupation had inflicted a trauma on the Filipinos from which they would find it almost impossible to recover. The bare need for survival under a ruthless enemy had bred a cult of violence, a neurotic avidity for riches, and the unspoken but nonetheless overwhelming conviction that might made right. "We are not angels," a senate president told his party caucus when he was accused of the irregular disposal of U.S. surplus properties to build up campaign funds. "What are we in power for? "

With the virtual abdication of the aloof and austere Osmeña, the elegant conventions of pre-war politics were discarded in the ferocious fight for the spoils of authority and influence. Graft and corruption became the decisive, often the only real, issue in every election, reaching perhaps its cynical if witty and realistic depths in the argument of the politician in power that he was to be preferred to the opposition because, while it was true they were all equally mosquitoes, he was already satiated and would no longer bite while the opposition was hungry for blood. Only twice, as has already been noted, and only in the early years of the Third Republic, would the people have a chance to decide in contests between competing principles and policies.

One was the issue of collaboration with the Japanese, raised against Roxas in 1946 and Laurel in 1949, and finally decided with the vindication in sundry senatorial elections of the President of the Second Republic and the members of his government. Yet this issue too was confused by discrimination in prosecution, ambiguous convictions and acquittals, and a general amnesty, and was all but lost in the shifting party allegiances of resistance leaders and alleged collaborators.

The second was the so-called "parity amendment" to the 1935 Constitution giving American citizens and corporations the same rights as Filipino citizens and corporations in the exploitation of natural resources and the operation of public utilities, upon whose approval the payment of compensation for war damages and the continuation of preferential trade

treatment were made conditional by the U.S. Congress. In a clean-out contest Roxas and his newly founded Liberal Party, sponsoring the amendment, were supported by the voters in a national plebiscite. (31)

Thereafter, the main political parties, the *Nacionalista* and the Liberals, (32) degenerated into opportunistic coalitions of power groups maneuvering for advantage in the scramble for spoils. "Politics is addition, not subtraction," remarked a president of the *Nacionalista* Party. Dissident leaders — "political butterflies" or men of deeply seated convictions unable to accept the ruling hierarchy's decisions — joined the tickets of the rival party as "guest candidates". Within the official tickets for senators to be elected by the nation at large, individual candidates sabotaged one another to the extent of throwing their regional support to the weakest in the opposition in order to assure their own survival. It was not unusual for a politician to move from one party to the other and back again. A climax of some sort was reached when the secretary of defense in a Liberal administration secretly joined the *Nacionalista* opposition and subsequently became its victorious candidate to the presidency; and when in a later election the president of the Liberal Party, having also secretly defected to the opposition, defeated two former Liberal Vice Presidents for the

(31) The amendment provided that "the disposition, exploitation, development, and utilization of all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other natural resources of the Philippines, and the operation of public utilities, shall, if open to any person, be open to citizens of the United States and to all forms of business enterprises owned or controlled, directly or indirectly, by citizens of the United States." The 1935 Constitution, before amendment, reserved these rights to Filipino citizens and corporations 60 per cent of whose capital was owned by them. The amendment has ceased to be in effect.

(32) Two split-offs from the Liberal Party, the so-called Avelino Wing in 1949, and the Democratic Party in 1953, were short-lived *ad hoc* organizations in support of individual presidential candidates, as was the Progressive Party in 1957 and 1965. Only the Citizens Party had a definite policy and program based on nationalism.

O Amang Rodriguez

presidential nomination of the *Nacionalista* Party and went on to win the election against the incumbent Liberal President.⁽³³⁾

The 1949 election was an international scandal but every election afterward was worse than the one before in a crescendo of terrorism, calumny, betrayal, and wholesale bribery. At every level the struggle for power was unscrupulous and cynical. "You have borrowed my honor!" protested a Vice President when his name was linked to scandal in an official broadcast of his own party. "Whoever seeks to destroy me, I shall destroy him first!"⁽¹⁾ an incumbent President threatened when members of his party conspired to deprive him of the nomination for his re-election. "I am not stupid,"⁽²⁾ replied another incumbent President, who, succeeding to the post upon the death of his predecessor a few months before the scheduled election, was asked if he had enough time to consolidate his position.

If they were anything, Filipino politicians were not stupid, at least in the pursuit and protection of their own interests. "What is wrong with a man providing for his future?"⁽³⁾ an incumbent President asked in defending his executive secretary. Indeed there was something to be said for it when their stay on the carousel of corruption was so brief, uncertain and erratic. Appetites grew with the lavish times. The petty provincial grafters who stole, hoarded or profiteered with the tinned sardines and salmon, the cheap textile goods and the cracked corn and rice distributed to the starving population by the American army after the expulsion of the Japanese, the party managers who sold U.S. surplus beer and K-rations to finance campaigns, the looters of the depots of U.S. surplus goods, developed into Congressmen selling their "quota" of immigration visas to Chinese fleeing from the Communist Revolution, the "ten percenters" who peddled their influence to businessmen seeking import permits and allocations of foreign exchange, the provincial warlords who collected their personal excise taxes

(33) It should be noted that both changed parties upon the insistent urgings of the *Nacionalista* leaders; and that the first became the best beloved of all Philippine presidents, while the second is exerting the most profound and lasting impact on the Philippine society.

1. Quirino
2. Garcia
3. Garcia

on tobacco, the well connected profiteers who battered on the corn and tinned goods imported to lower the price of living for the needy and the destitute, the smugglers of jewels and rich fabrics for an opulent society were vested with immunity by their husbands and patrons. When the office of an American adventurer, an ex-G.I., were raided and his secret files revealed, it was ascertained that his was not an idle boast when he claimed "had the government in his pocket". Presidents and presidential candidates might preach "simple living" and exhort a threadbare people to practise "austerity" — they were belied by the wives of political moguls flaunting their thumb-size diamonds, emeralds and rubies at shameless parties where champagne spouted from man-made fountains.

With instant wealth within the grasp of anyone in office with the will and conscience to profit from it, it was not to be wondered at that the scramble for it should be savage and remorseless. The habits of violence, which were in their way a patriotic duty during the enemy occupation, were now indulged in the partisan political wars. A provincial governor, like many others after him, organized his personal army, torturing and killing even the most obscure opposition leaders (for which, it is only fair to add, he was later convicted and imprisoned). An exalted personage, combining in his person the offices of secretary of defense and secretary of justice, did not hesitate to call out army tanks to the center of the capital in a confrontation with the opposition mayor (later he was to be convicted and imprisoned for directing the murder of the principal witness against him in bribery charges). Under another regime, a former senator of the Republic was to be convicted for the murder of political opponents.

These were the exceptions to the general rule of immunity. Almost every politician of importance had his gang of hired gunmen, bodyguards and enforcers, easy enough to recruit and arm when the resistance movement against the Japanese had left hundreds of thousands of unlicensed firearms loose throughout the country, steadily augmented by flagrant smuggling. Even these medieval retainers, a barefaced Mafia, whose loyalty was assured by their share of the spoils, were no guarantee of safety. A former governor who had converted his province into a family fief, was shot down as he

for the elevator to his new national government office. Another, then a Congressman, under the cloud of similar reports, was murdered as he approached the communion rail in the church of his provincial capital, where his wife was governor. A House electoral tribunal was terrorized into silence when, on the eve of the promulgation of an unfavorable decision, premeditated murder was committed in the courtyard of the Supreme Court.

Politics had become a deadly game. In a crime perpetrated in full view of the television cameras, and still unsolved, grenades were hurled at the speakers' platform in Plaza Miranda, the political nerve-center of Manila, and almost succeeded in wiping out at one blow the national and city tickets of the Liberal Party, then in opposition, and left many of them with the most serious injuries. The life of the presidential candidate, Osmeña's son and namesake, was almost despaired of; he had been declared dead on arrival at the hospital. In the same election, commandos, roaming the countryside on Japanese motorcycles and thus known as "the Suzuki boys", isolated an entire northern island and terrorized the electorate, apparently for the purpose, not only of assuring the election of their patron, but also of securing a smuggling base. Elsewhere whole villages, suspected of opposition sympathies, had been burnt down; voters had been ambushed and massacred on their way back from the polls; while, in gentler modes of persuasion, hundreds of millions of pesos were squandered on bribes, roads that led nowhere, bridges that were never finished by the phantom workers on padded payrolls.

It was, in its own way, a form of social welfare and of the redistribution of wealth. In truth, the people themselves, drawn into an insidious network of self-interest, were being willingly corrupted, while the Constabulary (the national police force) and the local police, demoralized by political interference and their own ineptness, cowardice and turpitude, were unable or unwilling to enforce the law.

The validity and viability in the Philippines of the American form of representative government and its substructure of unlimited private

enterprise were now challenged by the students, the jobless and the landless alike, with the cautious acquiescence of a middle class shocked and disheartened by the debauchery of democracy. Perhaps, after all, the ills of society were the fault of this imposed and inherited system, and with the most sanguine hopes an election was called for a Convention to draft a new Constitution and remake the political and social framework of the nation. Incumbent senators and congressmen, with much legalistic obstruction on their part, were barred from the Convention in a national referendum, and the voters chose delegates whom they believed were young, independent, untainted by politics, dedicated, and equipped for their momentous task. Alas, these generous hopes were defrauded. With a few honorable exceptions, the delegates to the Convention were soon revealed to be just as corrupt, vindictive and hungry for office as their discredited fellows in the Congress, to the extent of assuring for themselves seats in the transition parliament by constitutional *fiat*.

For all that, the people's mandate for a fundamental change was unmistakable and irresistible. The Convention threw overboard the American form of government, in its time in the Philippines both "noble experiment" and "peculiar institution". The bicameral Congress was replaced by the unicameral Assembly of the First Republic; the early Commonwealth and the Second Republic. The Presidency, in its time the "golden city" of every politician, for which millions upon millions of public and private treasure had been squandered, all honor "borrowed" and lost without regret or remorse, and much blood, innocent and guilty, shed, was reduced to a mere symbol of the state, a Japanese god turned ceremonial doll. Its powers and privileges were vested in a Prime Minister elected by a majority of all the members of the Assembly and responsible to it. The Assembly itself was subject to dissolution whenever the need arose "for a popular vote of confidence on fundamental issues".

Would this have sufficed? Would the Assembly have been less "a place of echoes and mimicry", less susceptible than a degenerate electorate to bullying, bribery, cajolery, fraud and delusions? Would it have held the Prime Minister "responsible" for the honest stewardship of the polity and

the resolute leadership of the nation, or would it have connived and conspired with him in the continuing waste of the country's resources and the people's faith?

The new Constitution was not yet to be put to the test. It had been overtaken by events,⁽³⁴⁾ and by forces surging from the past and the future.

(34) The draft Constitution proposed by the Convention was submitted to the President on 1 December 1972, several weeks after the proclamation of martial law, and approved at a plebiscite held in "citizens' assemblies" on 10-15 January 1973. On 31 March 1973 the Supreme Court ruled it to be "in force and effect". In a referendum held on 27-28 July 1973 the "citizens' assemblies" voted to continue the incumbent President in office beyond his term under the 1935 Constitution which expired on 30 December 1973. In a further referendum held on 27 February 1975 the "citizens' assemblies" voted overwhelmingly in the affirmative on the question: "Do you approve of the manner President Marcos has been exercising his powers under martial law and the Constitution, including the power to issue proclamations, orders, decrees, and instructions with the force of law?" and the question: "Do you want the President to continue exercising the same powers?" Negative votes and abstentions were insubstantial. The "citizens' assemblies", in a comparatively smaller proportion, preferred to have their local provincial, municipal and city officials appointed by the President rather than elected in accordance with the pre-martial-law election code when the terms of the incumbents expired on 31 December 1975. At the time of writing the vast majority of provincial governors and municipal and city mayors and other elective local officials had tendered their voluntary resignations, but the President had not appointed their successors. Nor has the President convened the *Interim* National Assembly which is to be called upon by him to elect a President and a Prime Minister under the 1973 Constitution.

VII

The central task of any revolutionary movement is to seize political power. The Communist Party of the Philippines assumes this task at a time that both the international and national situations are favorable to taking the road of armed revolution.

— PROGRAM FOR A PEOPLE'S
DEMOCRATIC REVOLUTION.

One of these forces was the Communist Party.

The proletarian movement in the Philippines had had its ideological conception shortly after the Revolution in a Barcelona dungeon where a Filipino propagandist absorbed from a Catalan anarchist the social ideas that had somehow failed to touch either the detached liberal mind of Rizal or the hot racial passions of Bonifacio and Aguinaldo. While in exile Isabelo de los Reyes was to be chosen "President of the Republic of the Philippines" by the revolutionary generals still in the field after the capture of Aguinaldo.

Upon his return to the Philippines, with socialist and anarchist literature in his luggage, he became the organizer of the first labor federation in the Philippines, the *Unión Obrera Democrática* (Democratic Labor Union). A protean intellectual, he went on to other fields like the Independent Philippine Church of which he was the intellectual founder.

After a series of false starts, marked by repressive arrests and imprisonments of its leaders, mainly writers and orators, the labor movement took definite shape in the hands of Crisanto Evangelista,⁽³⁵⁾ a Marxist printer, who organized his trade union and later, in 1913, the *Congreso Obrero de Filipinas* (Labor Congress of the Philippines). Six years later the

(35) Evangelista was executed by the Japanese in 1943. At the time he was national chairman of the merged Communist-Socialist Parties.

peasants of Central Luzon were in turn organized in what came to be known as the *Katipunang Pambansa ng mga Magbubukid sa Pilipinas* (National Peasants Union). It would be tedious to follow in detail the gestation of the proletarian movement, stimulated by American labor leaders who were secret emissaries of the *Profintern*, an Indonesian nationalist, disguised as a Filipino musician, at that time the chief *Comintern*-representative in Southeast Asia, and a number of Filipino trade unionists who attended party congresses in Canton and Moscow and received scholarships there. In brief, after many doctrinal splits and maneuvers, the Communist Party of the Philippines was finally born on 26 August 1930, the traditional anniversary of the Philippine Revolution, and officially proclaimed on 7 November of the same year, the anniversary of the Russian Revolution.

"The Philippine Revolution," notes one of the party's historians, ⁽³⁶⁾ "was a nationalist revolution, the first in Asia, while the Russian Revolution was a Communist-led working-class revolution, the first in the history of mankind. In trying to bridge the two revolutions, the CPP would seem to emphasize both the nationalist and the proletarian characters of its revolutionary struggle." In the wake of the world-wide economic depression of the 30s, strikes by railway and lumber-mill workers, and tumultuous demonstrations, the leaders of the CPP were arrested and condemned to prison, and the party judicially outlawed, in 1931-32, on the ground that its purpose was "to incite class struggle and to overthrow the government by peaceful means or by armed revolution". ⁽³⁷⁾

Coincidentally, and not apparently as a Communist maneuver, the Socialist Party of the Philippines was founded in the heart of the Central

⁽³⁶⁾ Alfredo B. Saulo, "Communism in the Philippines: an Introduction", Ateneo Publications Office, Manila, 1969, 113 pp., from which much of this account is culled.

⁽³⁷⁾ *People v. Evangelista*, 57 Phil. 375, and related cases.

Luzon peasant country by Pedro Abad Santos.⁽³⁸⁾ The CPP itself had gone underground with Moscow-trained leaders. Rifts developed among the imprisoned Communists on whether to accept pardons proffered to them by Quezon for political or personal reasons, or to reject any form of collaboration with the "fascist regime", as well as between the Communists and the Socialists on the primacy of the peasantry or the urban proletariat in the making of the revolution. In the event, through the good offices of an American comrade and under the influence of the "united front against fascism" decreed by Moscow, Evangelista and his supporters accepted pardon and upon release joined Abad Santos in a new "Communist Party of the Philippines (Merger of Communist and Socialist Parties)" with Evangelista as national chairman and Abad Santos as vice chairman. The merger was ratified on 7 November 1938.

There is little on record of the repercussions in Philippine party circles of the Ribbentrop-Molotov non-aggression pact which had such a traumatic effect elsewhere; by the time war threatened to spread to East Asia, the Nazi attack on "the socialist homeland" had dispelled all ambiguities and the CPP-SPP found it perfectly orthodox to lead a movement for the boycott of Japanese goods, to make contingent plans for guerrilla resistance in the event of enemy occupation, and, after Pearl Harbor, to pledge "loyalty to the governments of the Philippines and the United States".

The defeat of the United States Armed Forces in the Far East (USAFEF), including the Philippine Army, under General Douglas MacArthur, which the Communists alone among the Filipinos had had the wit to foresee and plan for, led, as has been noted, to the emergence of the

(38) Pedro Abad Santos, whose brother, José, was Secretary of Justice, Justice of the Supreme Court, Acting Chief Justice, and later the highest representative of the Commonwealth Government in the early stages of the Japanese war, came from a wealthy land-owning family. José was executed by the Japanese; Pedro, arrested by them and later released on grounds of ill health, died in 1945. Although the bulk of its membership was drawn from the peasantry, the SPP organized the general *Aguman ding Maldang Talapagobra*, Pampango for General Workers Union.

Huks as the most redoubtable force in the resistance. By the end of the war they claimed they had inflicted 25,000 casualties on the Japanese and supporting Constabulary forces in some 1,200 engagements, and to have a strength of 20,000 fully armed regulars and 50,000 reserves.⁽³⁹⁾ This formidable host, disciplined, strongly motivated, concentrated in the country's granary, and loyally supported by a network of popular shadow governments, stood poised for a crucial time between a continuing struggle and the peaceful pursuit of its socialist ends within the restored constitutional framework.

They were not Communists, of course, but they were under the rigid control of the Communist Party whose leadership, however, was riven by fundamental disagreements. The two factions might be typified, for the sake of brevity and convenience, by the Lava brothers, Vicente, José and Jesús, brilliant theoreticians from the upper middle class, and the Taruc brothers, Luis and Peregrino, gifted peasant guerrillas, the first of them the charismatic *Huk* commander-in-chief.⁽⁴⁰⁾ During the war a shattering Japanese attack on the *Huk* headquarters in the Cabiao forest led to the abandonment of the

(39) The figures on enemy losses should perhaps be taken with some caution; Saulo (*op. cit.*) admits they were "mostly local puppets" and probably also a great number of rival anti-Communist guerrillas. The Hukbalahap was formally organized on 29 March 1942 in Cabiao, Nueva Ecija. Patterned after the Chinese Red Army, it was made up of squads of 100 officers and men, platoons and squadrons. Two squadrons formed one battalion, and two battalions one regiment, the biggest autonomous unit. Village units of the Barrio United Defense Corps (BUDC) provided support and rudimentary government.

(40) Vicente Lava became general secretary of the CPP after the arrest of Evangelista and Abad Santos by the Japanese. After an interval, José held the same office in effect until his arrest in 1950; he was succeeded by Jesús, secretary general until his arrest in 1964. Luis Taruc was commander-in-chief of the *Huks* and head of both the military committee and the military commissariat (political commissars) of the CPP until his expulsion from the party and surrender in 1954. Peregrino was also a member of the politburo and secretariat. Luis Taruc now openly supports the "New Society" in the Philippines, particularly its land reform program. On 11 October 1974 the politburo of the "traditional" *Partido Komunista ng Pilipinas* offered their cooperation to the President.

policy of the continuous offensive as "adventurist" and to the adoption of policy of "retreat for defense". Vicente Lava was removed when this strategy in turn was jettisoned in September 1944.

Similar disputes now arose on whether to maintain the party as an underground organization or to come out into the open as a mass party; whether to fight the first postwar elections independently through its own candidates,⁽⁴¹⁾ or to support Osmeña and the *Nacionalistas*; whether or "collaborate" with Roxas after his election; whether or not to accept the 1949 amnesty offered by Elpidio Quirino⁽⁴²⁾ who succeeded to the presidency upon Roxas's death; whether or not to give "critical support" to Laurel against Quirino in the 1949 election; and finally, and fatally, whether or not there existed a "revolutionary situation" in the Philippines after Quirino's questionable victory.

The Lava thesis was that such a situation did exist; the Taruc brothers lacked the doctrinal and debating skill to dispute it and, with inner misgivings, led the *Huks* back into the field. On 29 March 1950, the anniversary of their foundation, they attacked two towns and 15 villages in Luzon, inflicting heavy casualties and property damage. In one provincial capital they seized and looted the treasury. On 26 August, the traditional anniversary of the *Katipunan*, they hit 11 towns in Central Luzon, and took and held the supply depot of the Armed Forces of the Philippines in the region, capturing guns, ammunition and supplies, and burning what they

(41) After the war the Hukbalahap was ostensibly disbanded and converted into a veterans' league. A Committee — later Congress — of Labor Organizations was openly set up, together with a National Peasants' Union, consolidating and replacing the pre-war Communist and Socialist organizations. A Democratic Alliance was forged with nationalist and progressive intellectuals, including a number of landowners and big businessmen.

(42) Elpidio Quirino (1890-1956), pre-war Senator and Secretary of Finance, Vice President and Secretary of Foreign Affairs under Roxas, second President of the Third Republic. He was elected in his own right in 1949, and was defeated for re-election in 1953 by Ramón Magsaysay (q.v.).

could not take with them upon withdrawal. The next and even larger attack was scheduled for 7 November, the anniversary of the Russian Revolution.

But there was in fact no "revolutionary situation". People were infuriated by the frustration of their political will, disgusted by the cynical corruption of the regime, weary of empty slogans, but they were not so hungry, or so angry, or indeed so hopeless of sharing in the general spoils that they would stake their lives and properties, paltry as they might be, on the forcible overthrow of the Republic. The peasant guerrillas might swim in safety in the sea of the countryside, and mount successful raids from their camps in jungle and mountain, but they only struck fear in the hearts of the uncommitted and the undecided. Nor had the "ruling class" lost its will to rule. Shortly after the August attack Quirino, upon the urgent recommendation of the U.S. representatives, appointed Ramón Magsaysay Secretary of National Defense.⁽⁴³⁾

In less than two months Magsaysay, by a stroke of luck and pluck, beheaded the Communist Party, surprising and capturing the entire politburo with José Lava at their head. The Armed Forces were reorganized; lazy and incompetent generals, retired; corrupt, cowardly and extortionist field officers and other ranks, dismissed; and all exhorted to win the trust of the common people. Magsaysay resolutely set the example; himself a wartime guerrilla, he placed himself at the head of forays in the field, and listened patiently to the complaints and grievances of the peasants. In the months and years that followed, the back of the Communist-led rebellion was broken as one after another its ideological leaders and military commanders surrendered or were killed in battle, captured, betrayed or murdered by their own bodyguards for reward. The climax was reached when, expelled by his own party and under threat of court martial and possible execution, Luis

(43) Ramon Magsaysay (1907-1957), Congressman, Secretary of National Defense, elected third President of the Third Republic in 1953, killed in a plane crash in 1957. He was succeeded by Carlos P. García (1896-1971), Congressman, Governor, Senator, Vice President and Secretary of Foreign Affairs under Magsaysay; he was elected in his own right in 1957, and defeated for re-election in 1961 by Diosdado Macapagal (q.v.).

Taruc surrendered to Magsaysay, newly elected President of the Republic. Within a decade and a half (1967) an official estimate assessed the *Huk* strength at only 170 "armed regulars", 120 "combat support" troops, and 1,000 "logistic support" cadres. With a handful of exceptions the *Huk* commanders had turned into bandits and racketeers selling protection, more concerned with their personal fortunes than with ideology.

But Magsaysay knew that a military victory was only half the solution; if, as he often proclaimed, he would crush the rebellion with one hand, with the other he offered redress for the age-old grievances of the landless peasants. Landlords in the troubled regions were persuaded to exchange their holdings, which the government had no funds to buy, for public lands in uncultivated areas. Those who remained were compelled by law and by special commissions and courts to allow their share-croppers to choose the system of tenancy under which they would work the land. More adventurous peasants, together with guerrillas who had surrendered, were re-settled in public lands, a project that, as will be seen hereafter, had unforeseen consequences in the southern islands. Small farmers were aided with government credits, warehousing and marketing facilities, village roads and irrigation projects.

The momentum of the land reform, however, was lost with the death of Magsaysay. Under Diosdado Macapagal ⁽⁴⁴⁾ a Land Reform Code was approved by the Congress only after a rancorous and protracted struggle, and only in emasculated form. The new law would have abolished the sharecropping system, and replaced it with government financed contracts of lease under which the cultivator would pay no more than 25 percent of the harvest to the landowner. But the landlords were not to be so easily

(44) Diosdado Macapagal (1910-), Congressman, Vice President under García, elected fifth President of the Third Republic in 1961, defeated for re-election in 1965 by Ferdinand E. Marcos, subsequently elected second President of the 1971 Constitutional Convention succeeding García, who died in office.

overthrown, and when Ferdinand E. Marcos ⁽⁴⁵⁾ took office four years later he found that land reform covered only 29,000 hectares out of a total of 940,591.

Lack of money, but still more the lack of will, had effectively replaced the lack of vision. It was no wonder that in the growing mood of bitter disenchantment the Communist Party, outlawed since 1957 ⁽⁴⁶⁾ and seemingly dead and buried, began to show new signs of life and vigor. Young, idealistic and dedicated intellectuals, allegedly trained abroad and calling themselves Maoists, had reorganized the party, and regrouped ideologically motivated *Huk* remnants into a New People's Army (NPA) to fight the "protracted people's war or war of national liberation". Its "Program for a People's Democratic Revolution" stated bluntly: "The central task of any revolutionary movement is to seize political power. The Communist Party of the Philippines assumes this task at a time that both the international and national situations are favorable to taking the road of armed revolution."

To this end the NPA mounted an ever spreading offensive of kidnapping, assassinations, raids, ambushes, bombings and riots throughout the country. Front mass organizations were created or infiltrated among the workers, peasants, students and intellectuals. In May, June and July 1972 shipments of war material from abroad were intercepted at isolated bays and points on the eastern coast of Luzon, including some 3,500 rifles, several dozen rocket launchers, rockets and ammunition. In June also a captured document, "Regional Program of Action 1972", revealed that the NPA was preparing to install "provisional revolutionary governments" in provinces and cities. Its strength was reported to have increased from an estimated

(45) Ferdinand E. Marcos (1917-), Congressman, Senator, President of the Senate, elected sixth President of the Third Republic in 1965, re-elected in 1969.

(46) By Republic Act No. 1700, otherwise known as the Anti-Subversion Act, approved on 20 June 1957.

6,500 (including 560 regulars, 1,500 in combat support, and 4,000 in service support) as of 1 January 1972 to about 7,900 (including 1,000 regulars, 1,800 in combat support and 5,000 in service support) as of 31 July 1972 or an increase of 100% of its fighting force in six months.

There was, it was declared, "throughout the land a state of anarchy and lawlessness, chaos and disorder, turmoil and destruction of a magnitude equivalent to an actual war between the forces of our constituted government and the New People's Army."⁽⁴⁷⁾

⁽⁴⁷⁾ From Proclamation No. 1081.

VIII

With regard to the forthcoming independence, we foresee what condition we, and our children who shall come after us, will be in. This condition will be characterized by unrest, suffering and misery.

— MUSLIM LEADERS (1934)

Another force was the accumulated anger of the Filipino Muslims.

If the Spanish colonial expedition from México, led by Miguel López de Legaspi, had reached the Philippines even only 50 years later than it actually did in 1565, it could very well be that the Filipinos would now all be Muslims. For the first western explorer to reach the archipelago, Magellan in 1521, found the chieftains of the central islands still animists, while the Spanish colonizers found Manila in 1568 already under the rule of Sulayman and other Muslim rajas. The fall of Manila and presumably the other Muslim strongholds around Lake Taaal, and the slow but relentless advance of the Christian religion under the Spanish aegis in the northern and central islands of the archipelago, forced Islam's retreat to the south, where the Muslim Filipinos, while sometimes defeated, and sometimes victorious, were never conquered, and fought a long war, a war of 330 years, against Spain. Its exigencies could not but divide the Filipinos into two communities, the Muslim and the Christian, the latter increasingly westernized, and thus alienated from the pre-conquest Malay traditions.

The American colonizers quickly grasped the situation since in fact it lent plausibility to their propaganda that what they called "the Philippine Insurrection" was the work of a "Tagalog Republic" headed and manned only by the natives of the politically advanced provinces around Manila. American policy was seen to be one of negotiate, subjugate, separate. Its purpose was scarcely concealed. Not entirely without justification it was bruited about in the American Congress that the proud brave "Moros" were against Philippine independence, and, for all that a *hadji* sat in the Senate, would never submit to the rule of a sovereign Christian government in Manila. The success of this policy was proven when, on the very eve of

presidential approval of the Tydings-McDuffie Act restoring Philippine independence after a 10-year transition period, a mass meeting of Muslim *datus* sent the U.S. President and Congress a declaration which read as follows:

"Because we have learned that the United States is going to give the Philippines independence, we want to tell you that the Philippines is populated by two different peoples with different religious practices and traditions. The Christian Filipinos occupy the islands of Luzon and the Visayas. The Moros (*Muslims*) predominate in the islands of Mindanao and Sulu. With regard to the forthcoming independence, we foresee what condition we, and our children who shall come after us, will be in. This condition will be characterized by unrest, suffering and misery. Our Christian associates have for many years shown their desire to be the only ones blessed with leadership and with progressive towns without sharing with us the advantage of having good towns and cities. Their provinces progress by leaps and bounds while ours are left behind. Should the American people grant the Philippines independence, the islands of Mindanao and Sulu must not be included in such grant. Our public lands must not be given to people other than the Moros. We should be given time to acquire them because most of us have no lands. Our people do not yet realize the value of acquiring land of considerable area. We do not also know how to acquire these lands by process of law. Where shall we obtain support for our families if our lands are taken from us? It will be safe(r) for us to have a law enacted restricting the acquisition of our lands by other people. This will also preclude future trouble."

The declaration was an extreme example of the alienation of the two communities for it repudiated the concept of one Filipino nation, preferring partition even under foreign rule. But it also revealed the true origins of alienation, which at that time in history could no longer be predominantly theological disputes, but which were in reality economic fears, arising from cultural backwardness and exacerbated by the sharpening rivalry for land, later to be complicated by struggles for political power.

For the best of motives, but not necessarily the wisest, Mindanao had been proclaimed "the land of promise", whose fertile soil, luxuriant forests,

cool uplands, rich mines waiting to be discovered and exploited, and seas teeming with fish, offered glittering opportunities to the hard-working settler, the resourceful adventurer, the smart operator, the bitter refugee from the feudal enclaves of the central plains of Luzon in the north and the sugar baronies in the Visayas.

Here, seen from the north and centre, was the solution to the increasing unrest among the landless peasants, the sugarcane harvesters, drifting hopelessly from season to season, and later the Communist-led rebels who had surrendered in the expectation of the satisfaction of their age-old grievances. Why should all these lands lie idle, all these riches remain untouched, when there were hundreds of thousands in the over-populated central islands willing to work them?

It was a vision and a policy that would later face very hard questions indeed, but in its heyday the Christian settlers were encouraged with reservations, with loans for seed-crops, work animals, and agricultural implements, and with a system, albeit unsatisfactory, of roads. For the more highly connected, wealthy and unscrupulous, there were lumber and mining concessions and cattle ranches.

There was only one thing wrong with all this. Mindanao was the traditional Muslim homeland, and, unprepared for a fateful encounter, the two Filipino communities were to come together after many centuries, alienated by inherited suspicion, fears and mutual disdain, blinded by an almost total ignorance of each other's traditions. The massive infusion of settlers, money and technological skills was an economic and political shock for the Muslims. By 1960 they were reduced to less than a quarter of the population of their traditional homelands of Mindanao, Sulu and Palawan. Only two provinces were left with Muslim majorities. ⁽⁴⁸⁾ Furthermore, the Muslims had maintained their traditional political structures, which had been

(48) Filipinas Foundation: "An Anatomy of Philippine Muslim Affairs", Makati, Rizal (Philippines), 1971; 226 pp. (excluding appendices). By 1960 there were only 1,300,000 Muslims in the entire country or 4.8 per cent of the total population.

by and large respected under the American colonial regime when the non-Christian regions were represented in the central legislature by appointment and not by election. But with national autonomy, and later independence, the introduction of the American form of representative government became inevitable.

This "novel political system with its elections, tenure of office, accountability to the people" also led to tension. The feudal Muslim leaders were the quickest in adapting themselves to these innovations. "On account of their traditional prestige, the customary obedience rendered them, the relative strength of their economic resources, and so on, the traditional chiefs were able to campaign and win in elections to become mayors and governors." Indeed, in post-independence politics the Muslim leaders proved a match for their Christian colleagues, and speedily learned the great game of seizing and keeping power through the ballot box and the judicious disbursement of spoils and patronage, fighting one another, it must be added, as members of one or the other national party. But they had to "depend to a large extent on traditional loyalty and institutions to maintain their power. Their strength in the long run (*would*) depend on their Muslim followers. A dramatic change in the religious composition of the population where they had exercised their leadership (*would*) naturally affect their position for the simple reason that Christian settlers (*would*) naturally elect Christian leaders." (49)

Nor were the Muslim leaders the only ones who felt threatened. Their followers also read their future around them. "Most of us have no land," the 1934 manifesto had declared. "Our people do not yet realize the value of acquiring land. . . . We do not know how to acquire these lands by process of law." The modern concept of the purchase and sale of land to be registered under permanent and exclusive title guaranteed by the government was not easily understood or accepted by a people who still lived under what was more or less feudal rule, dating back to the times when all land was held in

(49) Cesar Adjib Majul, "The Muslims in the Philippines and the Present Mindanao Crisis."

common under the sultans. In many cases, Muslim datus allowed the Christian settlers to clear land and cultivate it, only to take it back by threats or force when the work had been done. On the other hand, while the big Christian ranchers, loggers and plantation-owners were amply protected by expert lawyers and sometimes corrupt registrars and judges, the ordinary Christian settler was just as unschooled and resourceless as his Muslim counterpart. By the beginning of 1970 these disputes over land had led to broils and affrays between rival Muslim and Christian gangs.⁽⁵⁰⁾

In the course of three years these sporadic outbreaks of violence spread over wide areas in the Muslim homelands. Seventy Muslim men, women and children were massacred in a mosque where they were waiting for a "peace conference". Political rivalries in the 1971 elections added to the tension: several truckloads of Muslim voters were shot down by government troops as they were returning from the polls. In these bloody incidents almost three thousand were to lose their lives. An estimated half a million, both Muslim and Christian, were to flee from their homes in panic to "safe" refugee camps among their co-religionaries. Even more ominous were reports that the Muslims were preparing for an outright rebellion with foreign encouragement and aid.

When in 1968 a disgruntled Muslim provincial governor, who had lost office, proclaimed a "Muslim Independence Movement" -- later renamed the "Mindanao Independence Movement" -- to establish an Islamic state to be known as the "Republic of Mindanao and Sulu", his manifesto was greeted with derision and indifference. But as the conflicts between the two communities spiralled and spread, secession no longer became unthinkable. The Third Republic was scarcely 26 years old; now its claim to Sabah revived

⁽⁵⁰⁾ Known by such picturesque names as "barracudas", "*ilagas*" (rats), "blackshirts", "garudas", etc. A comprehensive account of the disorders may be found in Robert D. McAmis, "Muslim Filipinos in the 1970's", *Solidarity Magazine*, December 1973, Manila.

memories of the ancient Sultanate which had held sway for centuries over the shores of the great Sulu Sea, a proud unconquered empire that had raided the northern islands with impunity almost to the end of the Spanish régime, and with which the mighty Americans themselves had made a separate treaty. The end of colonialism in Southeast Asia had liberated two great Muslim nations, Indonesia and Malaysia, and the deep southward pull of a common religion was reenforced by familial connections and a traditional trade that knew no man-made boundaries. Thus, at secret training camps with foreign instructors, money, arms and ammunition, the dream of a separate Islamic state grew, and the Republic teetered on the brink of civil war.

IX

*I cannot escape the sense that events,
the thrust of history, and even
the will of the people somehow
guided my hand to the deed.*

— FERDINAND E. MARCOS

It was to this pass that the Filipino nation had been driven by historical forces when President Marcos placed the whole country under martial law. It is beyond dispute that he had the authority, if not indeed the constitutional duty, to do so under the 1935 Constitution which provided for such a proclamation in case of invasion, insurrection, rebellion, or imminent danger thereof, when the public safety required it.

That there was more than imminent danger, that in fact there was actual insurrection, there can be no doubt; the Supreme Court explicitly so found in a series of cases questioning the previous suspension of the privilege of the writ of *habeas corpus*.⁽⁵¹⁾ It was the insurrection organized and fought by the New People's Army, the military arm of the Communist Party of the Philippines, restored and revitalized by the young Maoists.

That there was imminent danger of rebellion was established beyond doubt when a few days after the proclamation an armed Muslim secessionist movement broke out in the southern islands of Mindanao, Basilan and the Sulu archipelago which is still continuing.

That the public safety required the imposition of martial law, over and beyond the suspension of *habeas corpus*, was a question which the Constitution left to the judgment of one man, the President; and that his judgment was not totally unreasonable was persuasively established by the Muslim rebellion. The very integrity of the Republic was at stake.

(51) The so-called "habeas corpus" cases (S.C.G.R. Nos. L-33964, L-33965, L-33973, L-33982, L-34004, L-34013, L-34039, L-34265, and L-34339) decided on 11 December 1971. The suspension was made in Proclamation No. 889 of 21 August 1971, and lifted on 11 January 1972.

And that the public safety required the proclamation of martial law not only in the southern islands but throughout the Republic was again a not wholly unreasonable judgment of the President. There were at the time 14,000 so-called private armies, and various criminal smuggling and murder "syndicates", throughout the length and breadth of the country, armed with over half a million illegally held weapons. Thousands of activist students roamed the streets of the capital, challenging the constituted authorities and threatening to sack and burn the presidential palace itself. The captured "Regional Program of Action 1972" of the New People's Army, and the discovery and interception of the Digoyo Point landing, perhaps not the first or the last, of a significant quantity of foreign arms, ammunition and military equipment indicated that the Communist insurrection was entering a new and decisive stage.

Subsequently, the President would offer a more elaborate and persuasive account based on secret intelligence reports not previously made available for obvious reasons.⁽⁵²⁾ He was to contend, in brief, that the inescapable inference from these reports was that the Communists, the "oligarchs" and the "rightists" — apparently a group of retired generals — had been conspiring, each for their own ends, to eliminate him either by forcing him to resign or by assassinating him. The details of the murder plot or plots were not revealed,⁽⁵³⁾ but that they were not sheer fancy was shown later by an attempt to kill his wife at a public function. In the alternative, the forced resignation would have been brought about by increasingly

(52) Ferdinand E. Marcos, "Notes on the New Society of the Philippines", National Media Production Center, Manila, 1973, 169 pp.

(53) In Criminal Case MC-5-11 before Military Commission No. 5 five Filipinos, three U.S. citizens, and two U.K. subjects have been charged with attempts to assassinate the President on 13 February, 26 February, 18 March, Holy Week, 1 May, 12 June, August and September 1972. The case is under re-investigation upon orders of the President and, at the time of writing, has not yet been tried.

uncontrollable disorder, fed and fomented by student riots, in reality to be financed by the "oligarchs" and spearheaded by the Communists, but to be attributed to the President himself and the leaders of the armed forces, who were to be exposed as contriving enough "incidents" to justify the imposition of martial law.

In the chaos that would follow assassination or resignation, each group of conspirators would reach out for total power, either singly or in temporary and opportunistic alliance with the others, and impose its own version of "martial law". At the outset the retired generals, the "oligarchs" and the opposition politicians, would seize power on the pretext of restoring law and order. Thereafter, as the opportunity arose, the Communists in turn would seek to overthrow this fascist dictatorship to establish a people's republic. The scenario was civil war, with the Muslim separatists going their own way in the southern islands. In such a war normal constitutional guarantees and processes would have been, in any case, meaningless.

For all that, the proclamation of martial law was essentially a temporary measure, and the President was to go much further; the Convention had drafted, as has been noted, a Constitution instituting a parliamentary form of government, with a Prime Minister elected by and responsible to a unicameral National Assembly, which would replace the bicameral Congress. Before the latter could convene as scheduled on 22 January 1973, the President submitted the new 1973 Constitution for approval by the people, not by secret ballot in a plebiscite among the registered voters, but in "citizens' assemblies" not envisioned either in the 1935 Constitution or in the electoral code. In the event, the Congress failed to convene, and the Supreme Court, for its part, refused to interfere in what it considered to be a political act rather than a justiciable question, and declared in a resolution that "there is no further judicial obstacle to the new Constitution being considered in force and in effect."⁽⁵⁴⁾

(54) The so-called "plebiscite cases" (S.C.G.R. Nos. L-35925, L-35929, L-35940, L-35941, L-35948, L-35953, L-35961, L-35965, and L-35979) were decided on 22 January 1973. The so-called "New Constitution or ratification cases" (S.C.G.R. Nos. L-36142, L-36164, L-36165, L-36236, and L-36283) were decided on 31 March 1973. The 10 Justices (one had been recently retired) rendered separate opinions covering 336 printed pages; six found that the 1973 Constitution had not been validly ratified, but another majority dismissed the petitions at bar and ruled in a resolution as stated in the text.

Under the old Constitution, the term of the incumbent President, barred from continuing in office after eight consecutive years, would have expired at high noon on 30 December 1973. Under the new Constitution, he could remain in office until he convened the new National Assembly to elect the new President and Prime Minister under the 1973 Constitution. On 27-28 July 1973 another referendum was held through the "citizens' assemblies" on the question, "Under the Constitution, the President, if he desires, can continue in office beyond 1973. Do you want President Marco to continue beyond 1973 and finish the reforms he has initiated under martial law?" The result, as tabulated by the reformed Commission on Elections, was 10 to one in favor. The interim National Assembly, which would elect the new President and Prime Minister, has not been convoked, nor elections called for a regular Assembly.

"I am not concerned with the legal nuances of that (*first*) referendum," the Chief Justice of the Supreme Court later declared. "Lawyers, with their infinite resourcefulness, may differ and argue about them. Learned men may cite precedents to show that the referendum was not according to established rules. But the wise man would probably ask: If the people have so convincingly spoken, is not their answer an indisputable acceptance of the new Constitution?" He had remarked, he recalled, in his opinion in the "ratification" or "New Constitution" cases, that "(t)he legal problem posed by the situation is aggravated by the fact that the political arms of the government – the Executive Departments and the two Houses of Congress have accepted the Constitution as effective: the former by organizing themselves and discharging their functions under it, and the latter by not convening on 22 January 1973 or at any time thereafter, as ordained by the 1935 Constitution, and in the case of a majority of the members by expressing their option to serve in the interim National Assembly."

Indeed, the political warlords, the magnates and the intellectuals, the orators and the speculators equally, had not, in the crunch, gathered in a tennis court like the French nobles and magistrates of Louis XVI to swear to defend their privileges and prerogatives; they had gone as quietly as the long-robed members of the Long Parliament when Cromwell, the Lord General soon to be Lord Protector of the Commonwealth, had summoned his musketeers, and calling his colleagues "whoremasters, drunkards, corrupt and unjust", had adjured them: "It is not fit that you should sit as a parliament any longer. You have sat long enough unless you had done more good."

"If indeed it be accepted," the Chief Justice continued to quote from his opinion, "that the citizens' assemblies had ratified the 1973 Constitution, and that such ratification as well as the establishment of the government thereunder formed part of a revolution, albeit peaceful, then the issue of whether or not that Constitution has become effective, and, as a necessary corollary, whether or not the government legitimately functions under it instead of under the 1935 Constitution, is political and therefore non-judicial in nature. Under such a postulate, what the people did in the citizens' assemblies should be taken as an exercise of the ultimate sovereign power. If they had risen up in arms and by force deposed the then existing government and set up a new government in its place, there could not be the least doubt that their act would (*have been*) political and not subject to judicial review but only to the judgment of the same body politic that is the people. This concept of what is a political act, in the context just set forth, is based on realities. If a new government gains authority and dominance through force, it can be effectively challenged only by a stronger force; no judicial dictum can prevail against it. We do not see that the situation would be any different, as far as the doctrine of judicial review is concerned, if no force had been resorted to, and the people, in defiance of the existing Constitution but peacefully because of the absence of any appreciable opposition, ordained a New Constitution and succeeded in having the government operate under it."⁽⁵⁵⁾

Beyond legal niceties, however, were more fundamental and compelling reasons. In a book⁽⁵⁶⁾ published after the proclamation of martial law and the 1973 Constitution, the President confessed: "Great decisions are made for us as much as we make them. I am, to be sure, accountable to history for 21 September 1972 when I signed the proclamation placing the entire Philippines under martial law. And yet, solely and completely responsible as I am for this decision, I cannot escape the sense that events, the thrust of

(55) Querube C. Makalintal, Chief Justice of the Philippines, "The Supreme Court under the New Constitution, Footnote to the Ratification Cases", a speech delivered at a luncheon tendered in his honor by LAWASIA, the Philippine Bar Association and the Philippine Lawyers Association, 19 February 1974, Supreme Court Press, Manila, 1974, 15 pp.

(56) "Notes etc." op. cit.

history, and even the will of the people, somehow guided my hand to the deed. I say this not to exculpate myself in advance -- this is impossible, no man can cheat history -- but to offer one more instance, out of personal experience, of a well known suspicion: that behind every man who makes history are forces which blur the distinction between individual initiative and historical necessity. The adherents of opposing views of history can find whatever support may please them, but to the man who, like myself, has touched by a single act the very nerve of history, it is a source of confidence to know that while he stands alone, he had not acted in isolation, outside in opposition to the compelling circumstances of his time and place."

Thus in the context of events, the declaration of martial law was more than "a simple police action", the protection of the status quo; it entailed much greater responsibility than the restoration of public order: "that enormous responsibility, one that could not be shirked, was laying the foundations of an entirely new society." It had been attempted before. Mabini had hopefully announced a new "True Decalogue". The Japanese had imposed a "New Order". The Communists had promised a "New Democracy". What was this "New Society"?

Its progenitor had envisioned it as "a revolution from the center, in sum, a democratic revolution" whereby in effect the government itself became revolutionary in order to forestall and compete with the "Marxist-Jacobin" revolution that sought to overthrow the existing order by violence and replace it with a dictatorship of the proletariat.⁽⁵⁷⁾ The old society was "the social and political elite manipulating . . . a precarious democracy of patronage, privilege and personal aggrandizement" in "a political culture which was populist, personalist and individualist in orientation." The new society, under a regime of "constitutional authoritarianism", would "democratize wealth" and discipline the "oligarchs". It would redress the grievances of "the rebellion of the poor" freeing them from bondage to the landlords, and giving land to the landless and jobs to the jobless through the honest and efficient husbanding of the

(57) Ferdinand E. Marcos, "Today's Revolution: Democracy", Manila, 1971, 117 pp. Written and published before the proclamation of martial law, it is a remarkably prescient outline of the reasons and objectives of the "New Society".

country's resources. To achieve this, it would put an end to the old "politics of conflict", and to the "vertical view" of society, making it "authentically human". It would reform the entire political system through the "participatory democracy" of citizens' assemblies where the old inequalities of wealth and influence, and the discriminations against the young and the illiterate, would no longer be available, and where demagogues would no longer be able to "mislead and manipulate" the popular will.

Obviously, even the new Constitution, with its mainly structural changes in the machinery of government, was insufficient for this. Pondering over Walter Lippmann's distinction between *The People* as voters and *The People* "as a community of the entire living population, with their predecessors and successors", and Edmund Burke's view of *The People* as "connected generations of persons joined in partnership" not only "between those who are living" but also with "those who are dead and those who are to be born", the President asked the meaning of the term, "The People of the Philippines", as it was used in proclaiming the Constitution.

"The framers of our present (1935) Constitution were certainly not drafting it for the interest of those who ratified it at a specific period in history. If they were, the whole charter would have been so particular that it would have lost its validity right after it was made. Nor is the present (1971) Constitutional Convention meant to consider only the interests of *The People* as voters, as masses, or even *all* of the people at this time in history, for (*at*) this very hour, this majority, the masses, and the entire people are changing: many are dying and many are (*being*) born. And it is certainly anomalous to say that *The People* of the Constitution are whatever people there may be at the time of its ratification. Constitutions are changed not only because of new social, economic, or political conditions, but because the interests of *The People* cannot be anticipated for all time.

"We begin to realize, then, the shortsightedness of our approach to popular sovereignty, the arrogance of our self-regard, when we confine the people's interest to what we, at present, regard to be our interests. Our populist, personalist and individualist culture must give way not only to collective responsibility, but beyond that to our historic responsibility. We, as a people, exist not only in the urgent present but in the continuum of history. We shall live, labor and die as individuals, but as a people, we are a part of that historic stream of generations that (*is*) *The Filipino People* . . .

We do exist and die for those who will come after us, and by our actions we either serve or betray them — those coming generations which are, in their totality, *The Filipino People*. Nothing less than this high moral consciousness must necessarily guide the democratic revolution as it reaches out for a new society.” (58)

Thus, he seemed to be saying, even Constitutions, new and old, with their elected parliaments, prime ministers and presidents, had perforce to yield to the supreme interest of the whole people, past, present and to come. “Let constitutions founder,” Mabini might have cried with him, “and the people be saved.”

(58) “Today’s Revolution, etc.” Op. cit, pp. 74-76.

X

Tal pueblo, tal gobierno.

— JOSE RIZAL

Today began yesterday.

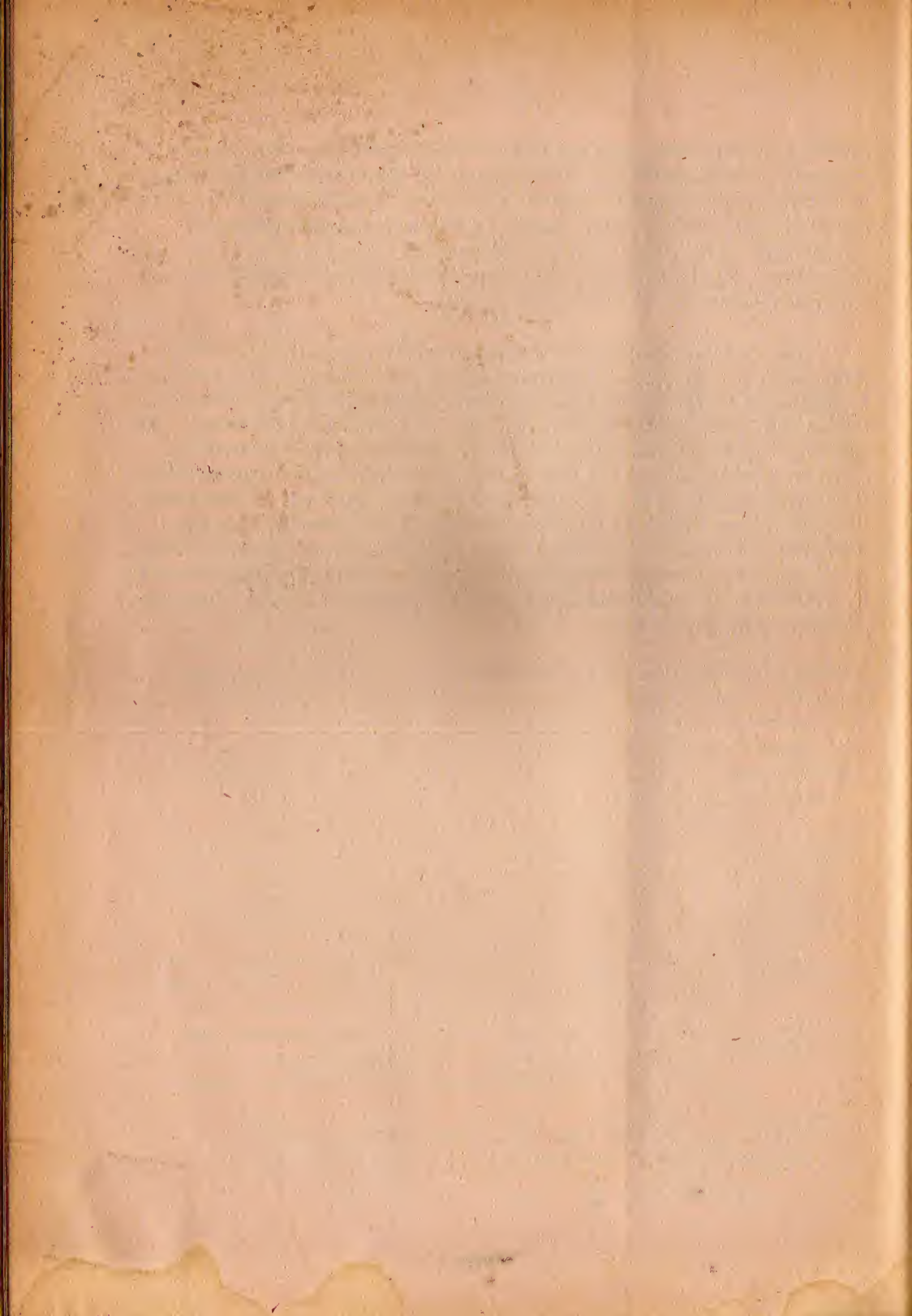
The *Huks* were the progeny of the *Katipunan*, as indeed they proudly claimed to be; the Muslim secessionists were fighting the old long war with Spain, seeking their identity in the medieval sultanate; the revulsion against the politicians, and the indifference, if not outright relief, upon the death of the Congress and the stillbirth of the New Assembly, were the culmination of a long process of disenchantment with a system of government made by another people in another place for another time. If, as Rizal observed, "like people, like government," the Filipinos had had perhaps the government they deserved, but, in another and more pertinent reading of the phrase, they would have the government they needed.

A nation is its history, and the Filipinos needed and deserved a system of government shaped by the national experience, the structure of their own community, their own unique capacities, grievances, desires and aspirations. Their society of semi-feudal landlords and unlettered peasants, a society of arrogant contrasts between palaces and hovels, was not the society of hardy pioneers and backwoods lawyers that had evolved the American form of representative government, which itself was becoming increasingly uncomfortable and unsatisfying for an industrialized and "affluent" society of "conspicuous consumption". The experience of the Filipinos with this system, after it had been imposed by the colonial regime, had been of parties that were not parties but unprincipled coalitions of the rich, the powerful and the unscrupulous; of elections that were essentially meaningless exercises in fraud, terrorism, bribery and demagoguery; of politicians who represented no one but themselves. The people's capacity for self-government had been trapped in a political mechanism they had not learned how to work or to control, and their capacity for indignation and generosity, sacrifice and service to the country, left to wither and decay.

Faced with these political realities, Quezon had advocated "partyless democracy", and "self-restraint" in the exercise of individual liberties. The

Filipinos, he exhorted, faced the task of "devising our own democratic institutions and government." Sumulong had spoken darkly of "farical representative government" under a "feared and detested oligarchy". Laure had ruminated wistfully about "men of superior moral and intellectual endowments" who would exercise a "benevolent" control of the state. Long before them, Rizal and Mabini had called for "social regeneration" and an "internal revolution", in brief, a new society.

Such a society would face the task of redressing grievances that had been mocked in the past, and fulfilling desires and aspirations that remained frustrated; of redeeming the peasants from age-old bondage, and giving them the lands that the Revolution had promised; of "democratizing wealth" and enlisting it to provide tolerable lives for the common people; of assuring equal progress for all in a just society without sacrificing the workers to the technocratic goals of full and rapid development at any cost; of reconciling the basic human rights and freedoms with the requirements of national discipline and security; of devising a form of representative democracy that would enable the ordinary Filipino, in his village, farm or humble tenement to make his voice truly heard, and his will effectively participate in the great decisions of his government.





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Although never attracted to politics, he became a controversial figure as a spokesman of the nationalist opposition to the various administrations in power in the Philippines in the forties and fifties and later as the undersecretary of foreign affairs, due to his early advocacy of a foreign policy of re-examination of relations with the United States, closer contacts with Asian countries, and the opening of relations with the governments of countries with centrally controlled economies.

A bi-lingual writer in English and Spanish, he has won several awards, principally for his biography of the national hero, José Rizal, entitled "The First Filipino", and the collection of essays in Spanish entitled "El Sí y El No."

